

**To:** Regulatory Functions Board

**On:** 26 October 2022

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**Report by:** Director of Finance and Resources

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**Heading:** **Registration of Private Landlords: Applications refused under Delegated Authority**

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1. **Summary**

1.1 The purpose of this report is to provide a further update to the Board in relation to applications for landlord registration refused under powers delegated to officers following the meeting of the Board on 18<sup>th</sup> August 2021. Previous updates were given to the Board at its meetings on 3<sup>rd</sup> February and 8<sup>th</sup> June, both 2022.

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2. **Recommendations**

2.1 It is recommended that the Board note the contents of the report.

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3. **Background**

3.1 On 18<sup>th</sup> August 2021, the Board considered a report by the Director of Finance and Resources relative to outstanding applications for private landlord registration where landlords had not confirmed their compliance with regulatory requirements set out in regulations made under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004 (“the 2004 Act”). The report set out options to facilitate determination of these applications.

- 3.2 The Board agreed that it be recommended that the Scheme of Delegated Functions be amended to include a delegation to officers to refuse applications for landlord registration where the requirements set out in regulations made under the 2004 Act, and detailed at Paragraph 3.3 of the report considered at the above meeting, are not met, subject to regular reports being submitted to the Board detailing the applications refused. This delegation subsequently came into effect after the meeting of Council on 30<sup>th</sup> September 2021, when the Minute of the Board's meeting of 18<sup>th</sup> August 2021 was approved.
- 3.3 In the report of 18<sup>th</sup> August 2021, officers indicated that it was anticipated that any power delegated to officers would not be used until two communications had been issued to applicants allowing them an opportunity to demonstrate their compliance. Accordingly, the practice adopted by officers has been to issue two separate letters to non-compliant landlords, allowing them periods of 28 days and, thereafter, a further 14 days to confirm their compliance.
- 3.4 Similar to the position at the time of the previous reports, the majority of landlords written to were able to confirm compliance within the above periods, allowing their applications for landlord registration to be granted. However, a number of landlords failed to respond positively to the correspondence. As a result, their applications were considered for refusal.
- 3.5 A further 59 applications for landlord registration were refused by officers in the period from 14<sup>th</sup> May to 4<sup>th</sup> October, both 2022, due to landlords' failure to confirm full compliance with their legal responsibilities. Fourteen of these applications were by landlords seeking registration for the first time, with the remainder applying to "renew" a previous landlord registration. The Board may wish to note that, since refusal, 23 of the above landlords have addressed their previous outstanding compliance issues and have reapplied for registration. A further landlord has confirmed that they no longer require landlord registration.
- 3.6 The backlog in landlord registration applications previously reported to the Board has now been cleared, with the exception of a very small number of applications with particular issues which would be more appropriately considered at the Board. The outstanding applications which relate to non-compliance with the regulations referred to above are otherwise applications received very recently, with levels of compliance having improved in the period since the regulatory requirements were introduced.

- 3.7 Given the backlog of applications has now been cleared, it is suggested that further update reports on the number of applications refused by officers will be provided annually.

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### **Implications of the Report**

1. **Financial – Nil**
2. **HR & Organisational Development – Nil**
3. **Community Planning – Nil**
4. **Legal – as detailed in the report**
5. **Property/Assets – Nil**
6. **Information Technology – Nil**
7. **Equality & Human Rights -**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report, as the report only provides the Board with an update on refused applications for landlord registration as previously requested by the Board.

8. **Health & Safety - Nil**
9. **Procurement – Nil**
10. **Risk - Nil**
11. **Privacy Impact - Nil**
12. **Cosla Policy Position – Nil**
13. **Climate Emergency – Nil**

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**List of Background Papers-** None.

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